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REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-14 remain in this application. Claims 1-14 have been rejected.

II. CLAIM REJECTIONS – 35 U.S.C. § 103

The Final Office Action rejected Claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Chauhan (hereinafter "Chauhan") U.S. Patent No. 6,115,752 in view of Scharber (hereinafter "Scharber") U.S. Patent No. 6,542,964, in further view of Einarson et al. (hereinafter "Einarson") U.S. Patent No. 6,704,784. The rejection is respectfully traversed.

Applicant notes that the priority date for the present application is November 22, 1999. The Einarson reference has a priority date of June 27, 2000. Therefore, Einarson is not considered as prior art.

Further, as applicant has previously pointed out, neither Chauhan nor Scharber teach or disclose a method that performs functions across two distinct sets of servers, i.e., a plurality of mirrored **customer Web servers** and a **network of caching servers**, where the **customer is a customer of a service** and **pays a fee to a service for use of the network of caching servers storing static content for the customer**. Neither Chauhan nor Scharber contemplate such a method.

Neither Chauhan nor Scharber disclose 1) a method that involves a customer (of a service for the network of caching servers) and the customer's Web servers where traffic loads of a plurality of mirrored **customer** web servers are determined, each of the

customer web servers storing the web page, determining a **customer** web server from the plurality of mirrored **customer** web servers that is appropriate for the request, the **customer** web server having a traffic load lower than traffic loads of remaining **customer** web servers from the plurality of mirrored **customer** web servers, determines service metrics of caching servers in a network of caching servers, determines a caching server from the network of caching servers that is appropriate for the request for static content, the caching server having service metrics better than service metrics of remaining caching servers from the network of caching servers, as claimed in Claims 1 and 8; 2) that the service's caching servers store static content for the customer; and 3) that the customer pays a fee to a service for use of the network of caching servers storing the static content for the customer. Neither Chauhan nor Scharber make such a distinction.

Additionally, one skilled in the art can see that Chauhan's system does not have a need for Scharber's POP cache servers as the Office Action posits. Chauhan recognizes that heavily loaded mirroring servers occur (col. 2, lines 10-33). Chauhan states that he solves this problem by periodically performing best route determination for the mirrored servers and having a fallback selection using a round-robin scheme (col. 3, line 17 – col. 4, line 13). Chauhan has taken care of the problem that the Office Action hypothesizes, i.e., enhancing Chauhan's system to lessen load and traffic on mirrored sites. Therefore, according to Chauhan, there is no other need for any enhancing because he has solved the problem on his own using his method. Therefore, Chauhan teaches against combining Chauhan's system with Scharber's POP cache servers as the Office Action posits.

Therefore, Chauhan in view of Scharber does not teach or disclose the invention as claimed.

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Claims 1 and 8 are allowable. Claims 2-7, and 9-14 are dependent upon independent Claims 1 and 8, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

III. CONCLUSIONS & MISCELLANEOUS

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate.

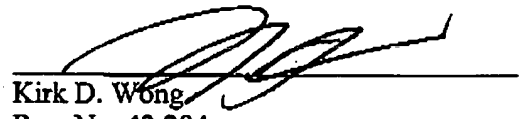
The Examiner is invited to telephone the undersigned at (408) 414-1214 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: January 3, 2007



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on January 3, 2007 by Annette Valdivia